

AMENDED IN SENATE APRIL 22, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1136

Introduced by Senator Chesbro
(Coauthor: Assembly Member Berg)

January 20, 2004

An act to amend Section 21180 of the Public Contract Code, to amend Sections 12741 and 12742 of the Water Code, and to amend Sections 1, 2, 4, 5, 6, and 41 of, and to add Section 13.3 to, the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1136, as amended, Chesbro. Lake County Flood Control and Water Conservation District.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of storm water by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the Clean Water Act, and the Porter-Cologne Water Quality Control Act. Existing law, the Lake County Flood Control and Water Conservation District Act, prescribes the powers and purposes of the Lake County Flood Control and Water Conservation District.

This bill would change the name of the district to the Lake County Watershed Protection District and would make related conforming changes. The bill would authorize the district to participate alone, or

jointly with Lake County, or cities or districts within Lake County, in the NPDES permit program in accordance with the Clean Water Act. The bill would authorize the district to impose and collect ~~special taxes, assessments, fees, or other charges under certain provisions of existing law to provide funding for participation in the NPDES permit program to carry out the purposes of the district.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21180 of the Public Contract Code is
2 amended to read:

3 21180. This article applies to contracts by the Lake County
4 Watershed Protection District, which is governed in accordance
5 with Chapter 1544 of the Statutes of 1951, as amended.

6 SEC. 2. Section 12741 of the Water Code is amended to read:

7 12741. The Lake County Watershed Protection District shall
8 give assurances satisfactory to the Secretary of the Army that the
9 local cooperation, required by the Act of Congress approved
10 October 27, 1965 (Public Law 89-298, 79 Stat. 1083, Title II, the
11 Flood Control Act of 1965), will be furnished by the district in
12 connection with the project for flood protection adopted and
13 authorized in Section 12740.

14 SEC. 3. Section 12742 of the Water Code is amended to read:

15 12742. The Lake County Watershed Protection District, in
16 conjunction with the Department of the Army, shall execute the
17 plans and projects referred to in Section 12740, and may make
18 modifications and amendments to the plans as may be necessary
19 to execute them for the purposes of Chapters 1 (commencing with
20 Section 12570) and 2 (commencing with Section 12639) of this
21 part.

22 SEC. 4. Section 1 of the Lake County Flood Control and
23 Water Conservation District Act (Chapter 1544 of the Statutes of
24 1951) is amended to read:

25 Section 1. The Lake County Watershed Protection District is
26 hereby established. The territory of the district is that of Lake
27 County.

SEC. 5. Section 2 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is amended to read:

Sec. 2. For the purposes of this act, “district” means the Lake County Watershed Protection District.

SEC. 6. Section 4 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is amended to read:

Sec. 4. (a) The objects and purposes of this act are to provide for the control, impounding, treatment, and disposal of the flood and storm waters of the district, the conservation and protection of all waters within the district, including both surface water and groundwater, and the control of flood and storm waters of streams that have their source outside of the district, but which streams and the flood waters thereof flow into the district, to protect from flood or storm waters the watercourses, lakes, groundwater, watersheds, harbors, public highways, life, and property in the district, to develop and improve the quality of all waters within the district for all beneficial uses, including domestic, irrigation, industrial and recreational uses, and to protect and improve the quality of all waters within the district.

(b) The objects and purposes of this act are also to provide for the participation of the district in the national pollutant discharge elimination system (NPDES) permit program in accordance with the Clean Water Act (33 U.S.C. 1251 et seq.).

SEC. 7. Section 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and may do all of the following:

1. Have perpetual succession.
2. Sue and be subject to suit in the name of said district.
3. Adopt a seal.
4. Acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and hold, use, enjoy, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, water and water rights, and privileges and construct, maintain, alter, and operate any and all works or improvements, within or outside the district, necessary or proper to carry out any of the objects of purposes of

1 this act and convenient to the full exercise of its powers, and
2 complete, extend, add to, alter, remove, repair or otherwise
3 improve any works, or improvements, or property acquired by it
4 as authorized by this act.

5 5. Conserve all waters within the district, and control the flood
6 and storm waters of the district and the flood and storm waters of
7 streams that have their sources outside the district, but which
8 streams and floodwaters thereof, flow into the district, and protect
9 from damage from those flood or storm waters the watercourses,
10 watersheds, harbors, public highways, life and property in the
11 district, and the watercourses outside the district of streams
12 flowing into the district, and to develop waters within or outside
13 the district for domestic irrigation, industrial, and recreational
14 uses, and construct works therefor, including works for the storage
15 and delivery of water; provided further, that none of the provisions
16 of this act shall preclude the exercise by any other political
17 subdivision that may now or hereafter exist, wholly or in part,
18 within the district from exercising its powers, although the powers
19 may be of the same nature as the powers of the district. Any other
20 political subdivision may, by written agreement with the district,
21 provide for the use, or joint use, of property or facilities in which
22 that other political subdivision has an interest, or for the use, or
23 joint use, of property or facilities in which the district has an
24 interest.

25 6. Cooperate and act in conjunction with the federal
26 government, the state, or any of their engineers, officers, boards,
27 commissions, departments or agencies, or with any public or
28 private corporation, or with the County of Lake or adjacent
29 counties, or with any other agencies, in the construction of any
30 work for the storage or delivery of all waters within or outside the
31 district for domestic, irrigation, industrial, and recreational uses
32 and for the conservation of waters within the district, for the
33 controlling of flood or storm waters of or flowing into the district,
34 or for the protection of life or property in the district.

35 7. Carry on technical and other investigations of all kinds,
36 make measurements, collect data and make analyses, studies, and
37 inspections pertaining to the beneficial use of waters within or
38 outside the district, including domestic, irrigation, industrial, and
39 recreational uses and the conservation of water and the control of
40 floods both within and outside the district, and for those purposes



1 the district shall have the right of access through its authorized
2 representatives to all properties within the district. The district,
3 through its authorized representatives, may enter upon those lands
4 and make examinations, surveys, and maps thereof.

5 8. Enter upon any land, to make surveys and locate the
6 necessary works of improvement and the lines for channels,
7 conduits, canals, pipelines, roadways and other rights-of-way;
8 acquire by purchase, lease, contract, gift, devise, or other legal
9 means all lands and other property necessary or convenient for the
10 construction, use, supply, maintenance, repair and improvement
11 of the works, enter into and do any acts necessary or proper for the
12 performance of any agreement with the United States, or any state,
13 county, district of any kind, public or private corporation,
14 association, firm or individual, or any number of them for the joint
15 acquisition, construction, leasing, ownership, disposition, use,
16 management, maintenance, repair or operation of any rights,
17 works or other property of a kind which might be lawfully
18 acquired or owned by the district.

19 9. Incur indebtedness and issue bonds in the manner provided
20 in this act.

21 10. Cause taxes, *fees*, or assessments to be levied and collected
22 for the purpose of paying any obligation of the district, and to carry
23 out any of the purposes of this act, in the manner provided in this
24 act.

25 11. Make contracts, and employ labor, and do all acts necessary
26 for the full exercise of all powers vested in the district or any of the
27 officers thereof by this act.

28 12. Exercise the right of eminent domain, either within or
29 outside the district, to take any property necessary to carry out any
30 of the objects or purposes of this act. The district in exercising that
31 power shall, in addition to the damage for the taking, injury, or
32 destruction of property, also pay the cost of removal,
33 reconstruction, or relocation of any structure, railways, mains,
34 pipes, conduits, wires, cable, poles, of any public utility that is
35 required to be moved to a new location.

36 The district shall not condemn property outside the County of
37 Lake unless the consent of the governing board of the county, in
38 which the property to be condemned is located, has first been
39 obtained.

1 Nothing in this act contained shall be construed as in any way
2 affecting the plenary power of any existing city and county or
3 municipal utility district to provide for a water supply for that city
4 and county or municipal utility district, or as affecting the absolute
5 control of any properties of that city and county or municipal
6 utility district necessary for that water supply and nothing herein
7 contained shall be construed as vesting any power of control over
8 those properties in the district or in any officer thereof, or in any
9 person referred to in this act.

10 13. Provide for the operation and maintenance of any works of
11 any kind or channelways, that may be built or operated by the state
12 or the federal government without cost to the district, for the
13 control or disposition of flood and storm waters within the district
14 whether those waters originate within or outside the district.

15 14. Contract with the County of Lake, because of the interest
16 of the County of Lake in the general welfare and preservation and
17 promotion of land values in the county and in the maintenance,
18 construction and improvement of public roads, bridges and other
19 county property within any zone that may be damaged or
20 destroyed by those flood and storm waters and that will be
21 protected by proper control and disposition of those waters, for the
22 participation by that county, on a percentage or other appropriate
23 basis, in the amount or amounts that may be taxed or assessed from
24 time to time against any lands in any zone by any taxing or
25 assessing agency or authority, including the district, to provide
26 funds for the operation and maintenance of any works of any kind
27 or channelways which may be built, maintained or operated by the
28 state or the federal government or the district for the benefit of that
29 zone; and the County of Lake may enter into that contract with the
30 district.

31 15. Levy assessments in any zone, on the basis of benefits as
32 provided in Section 13 or 13.1 of this act, to raise funds for
33 payment of expenses of operation and of works or channelways in
34 that zone and the cost of levying and collecting those assessments.

35 16. Levy and collect special taxes in the district or any zone in
36 accordance with Section 13 of this act.

37 17. Levy and collect benefit assessments in the district or any
38 zone in accordance with Section 13 of this act.

39 18. Participate alone, or jointly with Lake County, or cities or
40 districts within Lake County, in the national pollutant discharge



1 elimination system (NPDES) permit program in accordance with
2 the Clean Water Act (33 U.S.C. 1252 et seq.), and undertake
3 necessary acts in connection with that program.

4 ~~19. Impose and collect special taxes, assessments, fees, or other~~
5 ~~charges in accordance with Section 13.3 of this act.~~

6 SEC. 8. Section 6 of the Lake County Flood Control and
7 Water Conservation District Act (Chapter 1544 of the Statutes of
8 1951) is amended to read:

9 Sec. 6. (a) The Board of Supervisors of Lake County shall be
10 and is hereby designated as, and empowered to act as, the ex officio
11 Board of Directors of the Lake County Watershed Protection
12 District. For the purposes of this act, the terms “board” and
13 “board of supervisors” means the Board of Directors of the Lake
14 County Watershed Protection District.

15 (b) Each member of the board of directors of the district shall
16 receive as compensation for his or her services one hundred fifty
17 dollars (\$150) per month, and his or her actual and necessary
18 expenses in the performance of official duties under this act,
19 payable from the funds of the district in addition to his or her salary
20 as county supervisor.

21 (c) All ordinances, resolutions, and other legislative acts of the
22 district shall be adopted by the board of directors, and certified to,
23 recorded and published, in the same manner, except as otherwise
24 expressly provided in this act, as are ordinances, resolutions, or
25 other legislative acts of the County of Lake.

26 ~~SEC. 9. Section 13.3 is added to the Lake County Flood~~
27 ~~Control and Water Conservation District Act (Chapter 1544 of the~~
28 ~~Statutes of 1951), to read:~~

29 ~~Sec. 13.3. The board, in any year and subject to Article XIII C~~
30 ~~or Article XIII D of the California Constitution, as applicable, may~~
31 ~~do any of the following to provide funding for participation in the~~
32 ~~national pollutant discharge elimination system (NPDES) permit~~
33 ~~program:~~

34 ~~(a) Impose and collect special taxes in the district or any zone~~
35 ~~under Article 3.5 (commencing with Section 50075) of Chapter 1~~
36 ~~of Part 1 of Division 1 of Title 5 of the Government Code.~~

37 ~~(b) Impose and collect assessments in the district or any zone~~
38 ~~under Chapter 6.4 (commencing with Section 54703) of Part 1 of~~
39 ~~Division 2 of Title 5 of the Government Code.~~

1 ~~(c) Impose and collect fees or charges under Article 4~~
2 ~~(commencing with Section 5470) of Chapter 6 of Part 3 of~~
3 ~~Division 5 of the Health and Safety Code.~~

4 ~~SEC. 10.~~

5 *SEC. 9.* Section 41 of the Lake County Flood Control and
6 Water Conservation District Act (Chapter 1544 of the Statutes of
7 1951) is amended to read:

8 Sec. 41. This act shall be known and may be cited as the Lake
9 County Watershed Protection District Act.

